



**US Army Corps
of Engineers®**
New England District

8 Carmichael St., Suite 205
Essex Jct., VT 05452

PUBLIC NOTICE

Date: August 7, 2001

Comment Period Ends: September 7, 2001

File Number: 200001272

In Reply Refer To: Marty Abair

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Canadian Pacific Railway, ATTN: Claude David, Suite 400 Windsor Station, 1100 de la Gauchetiere St. West, P.O. Box 6042, Station Centre-Ville, Montreal, PQ, Canada H3C 3E4 has requested a Corps of Engineers permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899 to dredge contaminated sediments from a 6700 sq. ft. area of South Bay of Lake Memphremagog adjacent to the Northern Vermont Railroad railyard ("Newport Railyard") off Glen Road in Newport, Vermont, as shown on the attached plans. The basic purpose of the project is to remediate contaminants and restore benthic habitat.

The Newport Railyard was assigned to the State of Vermont's hazardous waste list in 1998 based on a Phase II site investigation submitted on behalf of the applicant. The Phase II site investigation revealed that the sediments in South Bay near the former outfall from Dike Skimmer No. 2 contained petroleum hydrocarbons (TPH), chromium, copper and lead. (Dike Skimmer No. 2 was part of a drainage system that conveyed waste liquids from floor drains within the Roundhouse to South Bay. At the request of the Vermont Department of Environmental Conservation, this drain system was sealed in 1992.) At the direction of the State's Waste Management Division, Canadian Pacific Railway completed an investigation to better define the degree and extent of sediment contamination in South Bay. Based on a remediation goal of removing sediments from locations with TPH concentrations higher 3000 mg/kg, lead concentration higher than 218 mg/kg, and copper concentrations higher than 270 mg/kg, the following remediation plan is proposed:

Approximately 250-300 cubic yards of sediments with elevated concentrations of petroleum, lead and copper will be dredged by a hydraulic dredge to a depth of approximately 1'. The dredging area will extend a maximum of 130' beyond Ordinary High Water, and will include the 5100 sq. ft. area around the former outfall and two smaller areas with TPH concentrations above 3000 mg/kg. The material will be temporarily contained and dewatered within a 100' x 160' area adjacent to the dredging site, with final disposal at a nearby landfill. Monitoring, including bathymetric surveys, sediment sampling, and water sampling will be conducted during and after remediation to ensure that the remediation goals are met and environmental controls are maintained during dredging.

The project site is located on the Newport, VT USGS quadrangle sheet at UTM coordinates N 4978123.0 and E 720563.0.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Marty Abair at 802 872-2893.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

**SEE NEXT PAGE FOR
DETAILS OF EVALUATION
FACTORS**

**David H. Killoy, P.E., C.P.G.
Chief, Permits & Enforcement Branch
Regulatory Division**

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- ☒ (X) Permit, License or Assent from State.
- ☐ () Permit from Local Wetland Agency or Conservation Commission.
- ☒ (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.

If you would prefer not to continue receiving public notices, please check here ☐ () and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Division, 696 Virginia Road, Concord, MA 01742-2751.

NAME:

ADDRESS:

